



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 13, 1995

Mr. Michael H. Corley  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2981

OR95-1412

Dear Mr. Corley:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33261.

The University of Texas at Austin (the "university") received an open records request for all records regarding the university's banning of the requestor from the Perry-Casteñeda Library as well as records "detailing his campus ban of June 1993." You have submitted to this office for review one interoffice memorandum that you contend may be withheld from the requestor pursuant to sections 552.107(1) and 552.111 of the Government Code.

Section 552.111 of the Government Code excepts interagency and intra-agency memoranda and letters, but only to the extent that they contain advice, opinion, or recommendation intended for use in the entity's policymaking process. Open Records Decision No. 615 (1993) at 5. The purpose of this section is "to protect from public disclosure advice and opinions *on policy matters* and to encourage frank and open discussion within the agency in connection with its decision-making processes." *Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.--San Antonio 1982, writ ref'd n.r.e.) (emphasis added). In Open Records Decision No. 615 (1993) at 5, this office held that

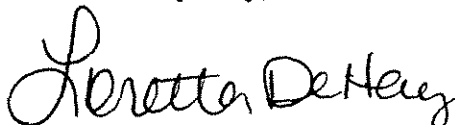
to come within the [section 552.111] exception, information must be related to the *policymaking* functions of the governmental body. An agency's policymaking functions do not encompass routine internal administrative and personnel matters . . . . [Emphasis in original.]

We have reviewed the memorandum at issue and conclude, contrary to your contentions, that this document does not directly relate to the formation of policy within the university. This document pertains solely to the manner in which the university will resolve an internal personnel matter: the banning of a former employee from university property. As such, none of the memorandum may be withheld under section 552.111.

We agree, however, that portions of the first and second paragraph of the memorandum reflect legal advice of the university's general counsel, and as such comes under the protection of the attorney-client privilege as incorporated into section 552.107(1) of the Government Code. We have marked the portions of the memorandum that the university may withhold pursuant to the attorney-client privilege. The remaining portions of the memorandum must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Loretta DeHay". The signature is fluid and cursive, with the first name "Loretta" being more prominent than the last name "DeHay".

Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/RWP/rho

Ref.: ID# 33261

Enclosure: Marked document

cc: Mr. Bruce Banner  
3501 Speedway, #104  
Austin, Texas 78705  
(w/o enclosure)